

(4) The notice herein required shall be given at least twenty (20) days prior to the date fixed for the hearing and shall be deemed given on the date the same is mailed, but failure of any such person, other than the applicant, to receive any such notice shall not, for that reason, invalidate the action of the Commission in granting or denying such application.

Notice by mail.

Effect of failure to receive notice.

(5) The Commission may, by general regulation, require parties desiring to protest the granting an application for a certificate or permit, in whole or in part, to mail or deliver to the Commission and to the applicant, within such reasonable time prior to the date fixed for the hearing as the Commission may by regulation require, written protests under oath specifying the grounds for such protests and the particular way and manner in which the protestant will be adversely affected by the granting of the application. If no such protest is filed within the time required, the Commission may make the necessary findings and issue the certificate or permit without a hearing; otherwise, except as provided in Sections 6, 7, 8 and 9, no certificate or permit shall be issued, or amended so as to enlarge the scope of operations, without a hearing on an application therefor, as provided in this Section.

Protests.

Issuance of certificate or permit without hearing, if no protest.

When hearing required.

(6) If the application is for a certificate, the burden of proof shall be upon the applicant to show to the satisfaction of the Commission, (a) that a public demand and need exists for the proposed service in addition to existing authorized transportation service, and (b) that the applicant is fit, willing and able to properly perform the proposed service, consideration being given to the financial ability of the applicant to furnish adequate service and to the probability of its continuation.

Burden of proof.

(7) If the application is for a permit, the Commission shall give due consideration to (a) whether the proposed operations conform with the definition in this Act of a contract carrier, (b) whether the proposed operations will unreasonably impair the efficient public service of carriers operating under certificates and/or rail carriers, (c) whether the proposed service will unreasonably impair the use of the highways by the general public, (d) whether the applicant is fit, willing and able to properly perform the service proposed as a contract carrier, (e) whether the proposed operations will be consistent with the public interest and the transportation policy declared in this Act, and (f) other matters tending to qualify or disqualify the applicant for a permit.

Matters considered when application is for permit.

SEC. 12. Terms and Conditions of Certificate. Any certificate issued under this Act shall specify the service to be rendered and the routes over which, the fixed termini, if any,

Terms and conditions of certificate.